

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
SERGEANT JOHN HERMAN) No. 07 PB 2665
STAR No. 1641, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
(CR No. 296411)
RESPONDENT.)

ORDER

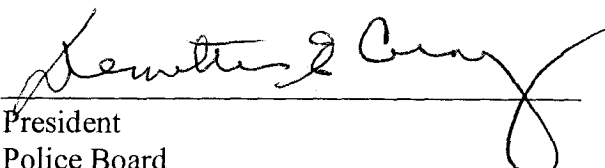
On October 30, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant John Herman, Star No. 1641, recommending that the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct (a copy of the charges and specifications is attached hereto as Exhibit A).

On July 29, 2008, the Superintendent moved to withdraw the charges against the Respondent, with leave to reinstate, because the Respondent resigned his position with the Department of Police of the City of Chicago.


The Police Board of the City of Chicago, having considered the Superintendent's motion to withdraw the charges against the Respondent, with leave to reinstate, hereby orders that the Superintendent's motion is granted.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF AUGUST, 2008.

Attested by:



President
Police Board



Executive Director
Police Board

CHARGES

Police Sergeant John Herman, Star Number 1641, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the dates of the alleged violations.

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 4: Any conduct or action taken to use the official position for personal gain or influence.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 10: Inattention to duty.

SPECIFICATIONS

1. Police Sergeant John Herman, Star Number 1641, is charged with violating Rule 1, "Violation of any law or ordinance," in one or more of the following instances:

- Count I: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, Sergeant John Herman, Star Number 1641, sexually penetrated April Owney with a wooden police baton, in violation of Section 720 ILCS 5/12-14(a)(1).
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- Count II: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, Sergeant John Herman, Star Number 1641, sexually penetrated April Owney and/or threatened to kill her if she did not comply, in violation of Section 720 ILCS 5/12-14(a)(3).
- Count III: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, Sergeant John Herman, Star Number 1641, ordered April Owney to place his penis in her mouth and/or engaged in sexual acts while displaying a weapon, in violation of Section 720 ILCS 5/12-14(a)(8).
- Count IV: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7600 South Halsted, in Chicago, Illinois, Sergeant John Herman while on duty and/or in his capacity as a Sergeant of the Chicago Police Department, used his official position for his own personal gain in that he stopped and/or detained April Owney without a lawful police purpose, in violation of 720 ILCS 5/33.3 (b) and/or (c).

Ex. A

Count V: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7600 South Halsted, in Chicago, Illinois, Sergeant John Herman while on duty and/or in his capacity as a Sergeant of the Chicago Police Department, used his official position and engaged in for his own personal gain in that he ordered April Owney to place his penis in her mouth and/or engaged in other sexual acts, in violation of 720 ILCS 5/33.3 (b) and/or (c).

2. Police Sergeant John Herman, Star Number 1641, is charged with violating Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in one or more of the following instances:

Count I: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7600 South Halsted, in Chicago, Illinois, Sergeant John Herman, while on duty and/or in his capacity as Sergeant of the Chicago Police Department, ordered April Owney into an assigned Chicago Police Department squad car for no lawful purpose, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count II: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, Sergeant John Herman while on duty and/or in his capacity as a Sergeant of the Chicago Police Department sexually assaulted April Owney, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count III: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, Sergeant John Herman, Star Number 1641, sexually penetrated April Owney with a wooden police baton, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count IV: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, Sergeant John Herman, Star Number 1641, sexually penetrated April Owney and/or threatened to kill her if she did not comply, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count V: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, Sergeant John Herman, Star Number 1641, ordered April Owney to place his penis in her mouth and/or engaged in sexual acts while displaying a weapon, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count VI: On or about May 7, 2004, Sergeant John Herman, Star Number 1641, in his Answer to Plaintiff April Ownney's Second Amended Complaint, Case No. 04 C 1917, admitted that he engaged in sexual intercourse with April Ownney on or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count VII: On or about November 16, 2006, Sergeant John Herman, Star Number 1641, in his Answer to Plaintiff April Ownney's Third Amended Complaint, Case No. 04 C 1917, admitted that he engaged in sexual intercourse with April Ownney on or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

3. Police Sergeant John Herman, Star Number 1641, is charged with violating Rule 4, "Any conduct or action taken to use the official position for personal gain or influence," in the following instances:

Count I: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7600 South Halsted, in Chicago, Illinois, Sergeant John Herman while on duty and/or in his capacity as a Sergeant of the Chicago Police Department, used his official position for his own personal gain in that he stopped and/or detained April Ownney without a lawful police purpose.

Count II: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7600 South Halsted, in Chicago, Illinois, Sergeant John Herman while on duty and/or in his capacity as a Sergeant of the Chicago Police Department, used his official position for his own personal gain in that he ordered April Ownney to place his penis in her mouth and/or engaged in other sexual acts.

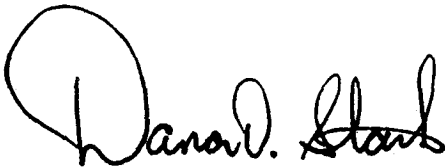
4. Police Sergeant John Herman, Star Number 1641, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in the following instance:

Count I: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, Sergeant John Herman while on duty and/or in his capacity as a Sergeant of the Chicago Police Department, conducted a street stop of April Ownney, but failed to complete a Field Contact Card in violation of Special Order 03-09, thereby disobeying an order and/or directive, whether written or oral.

5. Police Sergeant John Herman, Star Number 1641, is charged with violating Rule 10, "Inattention to duty," in the following instance:

Count I: On or about March 10, 2004, on or about the hours of 3:30 a.m. to 4:30 a.m., at or near 7759 South Peoria, in Chicago, Illinois, Sergeant John Herman while on duty and/or in his capacity as a Sergeant of the Chicago Police Department, conducted a street stop of April Owney and/or while committing criminal sexual assault, he failed to manage subordinates assigned to his supervision.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Sergeant John Herman, Star Number 1641 be discharged from the Chicago Police Department.



DANA V. STARKS
Interim Superintendent of Police

APPROVED AS TO FORM



Aracely Muñoz Petrich
Assistant Corporation Counsel

P. B. CASE # FILED

07-2665 OCT 30 2007

CHICAGO POLICE BOARD